



## **DD Waivers Day Services: Allowable/Unallowable Activities**

All of the DD Waivers regulations may be found at:

<https://law.lis.virginia.gov/admincode/title12/agency30/chapter122/>

Starting with section 270 these are alphabetically broken out by service, so you can find information on the service you provide easily.

**Chapter IV of the DD Waivers manual – “Covered Services and Limitations” – (which includes more detail than the regulations) can be found at:**

<https://vamedicaid.dmas.virginia.gov/sites/default/files/2022-11/DD%20Waiver%20Chapter%204%20%28updated%2011.1.22%29.pdf>

Both the regulations and manual include “allowable activities”) – those activities for which a provider may bill Medicaid if provided to an individual waiver recipient. If an activity cannot reasonably be considered under one of the Allowable Activities for a given service, it is NOT allowable. Some examples are below.

### **Group Day**

Allowable Activities can be found on page 117 of Chapter IV of the manual at the link above.

### **Non-Allowable Activities/Non-Billable Time**

Billing for time an individual is “napping.”

Billing for time an individual is watching TV.

Billing for time during which an individual is not addressing a desired outcome & support activity per his Plan for Supports.

Billing for time during which an individual is working if the focus is to teach vocational/work skills (e.g., teaching job skills such as how to mop a floor or workplace skills such as how to punch a timeclock or accept supervision).

Permitting one staff person to support more than seven individuals at a time.

Consistently providing this service in a residential setting. It may be provided in a residential setting only on a very limited basis – see pp. 118 and 119 of Chapter IV of the manual for examples.

Failing to include skill building activities. Skill building is defined as: those supports that help the individual gain new skills and abilities and was previously called training.

- The only exception is if an individual has a documented progressive condition, in which case group day service may focus on maintaining skills and functioning and preventing or slowing regression rather than acquiring new skills or improving existing skills.

Billing for time spent transporting the individual to the group day site from the individual's home (and return trip) that exceeds 25% of the total in service time per day.

Providing medical services (i.e., things that require a nursing license) unless billing Skilled Nursing or Private Duty Nursing or unless Direct Support Professionals have been properly trained by and the task delegated by a RN.

Paying or otherwise incentivizing individuals for attending a group day program. This is strictly prohibited by [12VAC 30-122-120](#), item #17 (iv).

## **Community Engagement**

Allowable Activities can be found on page 109 of Chapter IV of the manual at the link above.

### **Non-Allowable Activities/Non-Billable Time**

Billing for time an individual is "napping."

Billing for time an individual is watching TV.

Billing for time during which an individual is not addressing a desired outcome & support activity per his Plan for Supports.

Permitting one staff person to support more than three individuals at a time.

Failing to include skill building activities. Skill building is defined as: those supports that help the individual gain new skills and abilities and was previously called training.

- The only exception is if an individual has a documented progressive condition, in which case group day service may focus on maintaining skills and functioning and preventing or slowing regression rather than acquiring new skills or improving existing skills.

Failing to work toward enabling the individual to develop relationships and natural supports in the community.

Providing the service in a licensed setting or the individual's home other than a maximum of 10% of billable time per month for planning community participation events.

Permitting an immediate family member OR a member of the sponsored family (for individuals receiving sponsored residential services) to be the DSP providing CE services.

Providing medical services (i.e., things that require a nursing license) unless billing Skilled Nursing or Private Duty Nursing or unless Direct Support Professionals have been properly trained by and the task delegated by a RN.

### **Community Coaching**

Allowable Activities can be found on page 102 of Chapter IV of the manual at the link above.

#### **Non-Allowable Activities/Non-Billable Time**

Billing for time an individual is “napping.”

Billing for time an individual is watching TV.

Billing for time during which an individual is not addressing a desired outcome & support activity per his Plan for Supports.

Permitting the one staff person to support more than one individual at a time.

Providing medical services (i.e., things that require a nursing license) unless billing Skilled Nursing or Private Duty Nursing or unless Direct Support Professionals have been properly trained by and the task delegated by a RN.

### **Group Supported Employment**

Allowable Activities can be found on pages 124-125 of Chapter IV of the manual at the link above.

Billing for time an individual is “napping.”

Billing for time an individual is watching TV.

Billing for time during which an individual is not addressing a desired outcome & support activity per his Plan for Supports.

Permitting one staff person to support more than eight individuals at a time.

Providing medical services (i.e., things that require a nursing license) unless billing Skilled Nursing or Private Duty Nursing or unless Direct Support Professionals have been properly trained by and the task delegated by a RN.